

Atty Docket No. JCLA5662-CIP-R

Serial No. 09/817,682

REMARKS**Present Status of the Application**

The Final Office Action rejected claims 1-3 under 35 U.S.C. 102(e) as being anticipated by Saino (U. S. Patent 6,181,018). Applicants have added claims 4-6. Applicants respectfully traverse the rejections for at the reasons set forth below.

In FIG. 1, the alignment mark 106 are composed a number of recesses 106a, which are rectangular-like. The spacing between the recess is "d".

The trench 110 is distant to the alignment mark 106 by a D, and D is about 5d to 80d. The trench 110 usually is a part of device in a large size. In order to protect the alignment mark 106, the alignment mark 106 includes several rectangular-like recesses with small spacing of "d". This can prevent from damaged during chemical mechanical polishing (CMP) process.

In re Saino, as shown in Figs. 1A-1B (see attached Appendix), the alignment mark 13 is a surround shape. *Saino failed to disclose the alignment mark formed form several rectangular-like recesses.*

Further still, Saino failed to specifically disclose the claimed spacing. The claimed spacing can prevent the alignment mark from be damaged by CMP process.

Saino discloses a range of 0.1 to 100 microns for the widths of the active region 1, or of the element isolation area 2. However, the active region 1 and the element isolation area 2 are both with the alignment mark region, wherein the CVD oxide 13 is used as the alignment mark, filling into the trench 11a.

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Saino failed to teach the specific spacing to produce the unexpected results to protect the alignment mark from CMP.

For at least the foregoing reasons, Applicant respectfully submits that independent claims 1 and 6 patently define over the prior art, and should be allowed. For at least the same reasons, dependent claims 2-5 patently define over the prior art as well.

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CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-6 of the invention patentably define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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